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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,498	09/16/2003	James Scott Anderson	453.1	2443

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JAMES SCOTT ANDERSON
1214 HILLWOOD COURT SE
ATLANTA, GA 30316-2660

EXAMINER


SILBERMANN, JOANNE

ART UNIT PAPER NUMBER

3611

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/663,498	Applicant(s) ANDERSON, JAMES SCOTT	
	Examiner Joanne Silberman	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In each of these claims, "said surface" lacks proper antecedent basis, since two different surfaces have been recited.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 8, 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Molee et al. US #5,829,832.
5. Molee et al. disclose a label assembly including writing surface 28, semi-rigid core 30 (Figure 3) and slot 26. Slot 26 is positioned and sized to receive an edge of a generally planar surface. The writing surface extends partially beyond the edge when the edge is in the slot. The assembly includes front and rear surfaces, as shown in Figures 1 and 2. The indicia is considered to be permanent.

Claim Rejections - 35 USC § 103

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9, 11, 13, 16, 18, 19 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molee et al.

8. Molee et al. do not specifically teach the writing surface as being adhered to the core, however, adhesive application of labels is old and well known. It would have been obvious to a person having ordinary skill in the art to utilize adhesive in the device of Molee et al. so as to provide a more secure attachment for the display.

9. Molee et al. do not teach a plurality of slots, however, this is considered to be a duplication of known parts. It has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

10. Molee et al. do not teach a vinyl surface, however, vinyl is old and well known. It would have been obvious to one of ordinary skill to utilize vinyl as an equivalent alternative if it is desired to place water soluble indicia on the display.

11. Molee et al. does not specifically teach the method steps of the instant claims, however, such methods would have been obvious to one of ordinary skill given the structure of Molee et al.

12. Claims 4-7 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molee et al. in view of Hutchens, US #5,581,921.

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13. Molee et al. do not teach a projection, however, displays including such projections are well known, as shown by Hutchens. Hutchens teaches a display including projection 6 having several straight surfaces and extending perpendicularly to surface 22 (Figure 3) having permanent indicia thereon. It would have been obvious to one of ordinary skill to utilize such a projection on the device shown by Molee et al. so that the indicia may be more easily seen.

14. The method steps would have been obvious to one of ordinary skill for the same reason as discussed above.

15. Claims 14 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molee et al. in view of Roche et al. US #5,384,999.

16. Molee et al. do not teach a metallic core, however, such a surface is well known in the art. Roche et al. teach a display including magnetic layer 14. It would have been obvious to one of ordinary skill in the art to utilize such a magnetic layer in the display of Molee et al. so that magnetic display elements may be used, as described in Roche et al. The methods would have been obvious as discussed above.

17. Claims 2, 15, 17 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molee et al. in view of Schmeida, US #5,727,818.

18. Molee et al. do not teach a whiteboard, however this is well known in the art. Schmeida teaches a labeling system including a writing surface for dry erase markers and includes a transparent covering (see Abstract). It would have been obvious to one of ordinary skill to utilize whiteboard so that the display may be easily erased and changed and a transparent cover to protect the display.

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19. Molee et al. and Schmeida do not teach methods, however, the method steps would have been obvious for the same reasons as above.

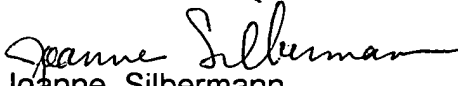
Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patents 4967500 and 4882862 are cited as of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silbermann whose telephone number is 703-308-2091. The examiner can normally be reached on M-F 5:30 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joanne Silbermann
Primary Examiner
Art Unit 3611

JS